

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

LONE STAR SCM SYSTEMS, LTD.,

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Plaintiff,

v.

No. 6:21-CV-844

BLUEBIRD INC.,

Defendant.

AMENDED SCHEDULING ORDER

Deadline	Item
April 11, 2023	Plaintiff serves preliminary infringement contentions ¹ in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (<i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
May 5, 2023	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

May 12, 2023	Parties exchange claim terms for construction and proposed claim constructions.
May 19, 2023	Parties exchange proposed claim constructions.
May 26, 2023	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. ² With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
June 2, 2023	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
June 9, 2023	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
June 23, 2023	Plaintiff files Responsive claim construction brief.
June 30, 2023	Defendant files Reply claim construction brief.
June 30, 2023	Parties to jointly email the law clerks (see OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.
July 7, 2023	Plaintiff files a Sur-Reply claim construction brief.
July 12, 2023	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
July 14, 2023	Parties submit optional technical tutorials to the

² Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

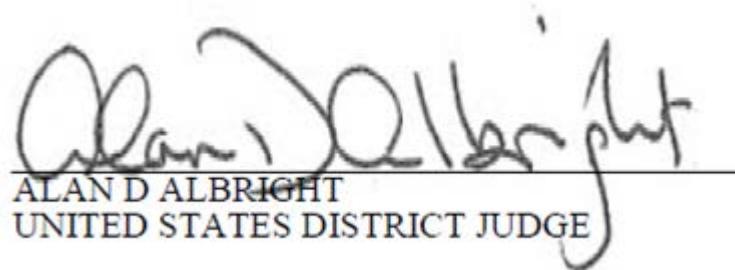
	Court and technical advisor (if appointed).
July 21, 2023	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches. ³
July 24, 2023	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
September 1, 2023	Deadline to add parties.
September 15, 2023	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
November 10, 2023	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
January 19, 2023	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
February 16, 2023	Close of Fact Discovery.
February 23, 2024	Opening Expert Reports.
March 22, 2024	Rebuttal Expert Reports.
April 12, 2024	Close of Expert Discovery.
April 19, 2024	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are

³ All deadlines hereafter follow the original *Markman* hearing date and do not change if the Court delays the *Markman* hearing.

	encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
April 26, 2024	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
May 10, 2024	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
May 24, 2024	Serve objections to pretrial disclosures/rebuttal disclosures.
May 31, 2024	Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .
June 7, 2024	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
June 14, 2024	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
May 24, 2024	Parties to jointly email the Court's law clerk (See OGP at 1) to confirm their pretrial conference and trial dates.
May 31, 2024	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
June 27, 2024	Final Pretrial Conference. Held in person unless

	otherwise requested.
July 15, 2024	Jury Selection/Trial. ⁴

SIGNED this 27th day of March, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

⁴ If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-*Markman* that are consistent with the Court's default deadlines in light of the actual trial date.